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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/848,748

**Applicant(s)**

CHRISTENSEN ET AL.

**Examiner**

JOSEPH D. WONG

**Art Unit**

2168

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 31 March 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

Claim 11-15 are interpreted as invoking 35 USC 112, 6<sup>th</sup> paragraph as invoked by Page 9 of the instant arguments. Claims 1-21 are amended.

***Requirement Under 37 CFR 1.105***

Applicant and the assignee of this application are required under 37 CFR 1.105 to provide the following information that the examiner has determined is reasonably necessary to the examination of this application. The justification for the request is that the instantly published specification references at least two of the following documents:

- + Paragraph [30]: “DACS BISNET”
- + Paragraph [47]: “BIS/Cool ICE software components, all available from Unisys
- + Any examiner applied references in related cases or commonly assigned or commonly invented cases that Applicant deems pertinent that have not already been cited in this case would be greatly appreciated.

The fee and certification requirements of 37 CFR 1.97 are waived for those documents submitted in reply to this requirement. This waiver extends only to those documents within the scope of this requirement under 37 CFR 1.105 that are included in the applicant’s first complete communication responding to this requirement. Any supplemental replies subsequent to the first communication responding to this requirement and any information disclosures beyond the scope of this requirement under 37 CFR 1.105 are subject to the fee and certification requirements of 37 CFR 1.97.

The applicant is reminded that the reply to this requirement must be made with candor and good faith under 37 CFR 1.56. Where the applicant does not have or cannot readily obtain an item of requirement information, a statement that the item is unknown or cannot be readily obtained may be accepted as a complete reply to the requirement for that item.

This requirement is an attachment of the enclosed Office action. A complete reply to the enclosed Office action must include a complete reply to this requirement. The time period for reply to this requirement coincides with the time period for reply to the enclosed Office action.

After reading arguments involving a dozen cases with an inventor in common such as the first named inventor in the instant case and/or common attorney, pertinent documents have been identified in related cases but are not formally submitted as part of information disclosure statement. Regarding Applicant's concern that the reference of Rangnekar is not pertinent, Applicant's assistance is requested to improve upon the pertinence of cited art by disclosing any more pertinent prior art references uncovered in commonly assigned or commonly invented cases being prosecuted before the Office or other search authorities to help facilitate compliance with 37 CFR 1.56 or effective equivalent.

### ***Double Patenting***

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re*

*Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

(a) One-Way Obviousness

If the application at issue is the later filed application or both are filed on the same day, only a one-way determination of obviousness is needed in resolving the issue of double patenting, i.e., whether the invention defined in a claim in the application would have been anticipated by, or an obvious variation of, the invention defined in a claim in the patent. See, e.g., *In re Berg*, 140 F.3d 1438, 46 USPQ2d 1226 (Fed. Cir. 1998) (the court applied a one-way test where both applications were filed the same day). If a claimed invention in the application would have been obvious over a claimed invention in the patent, there would be an unjustified timewise extension of the patent and an obvious-type double patenting rejection is proper. Unless a claimed invention in the application would have been >anticipated by, or < obvious over a claimed invention in the patent, no double patenting rejection of the obvious-type should be made, but this does not necessarily preclude a rejection based on another type of nonstatutory double patenting (see MPEP § 804, paragraph II.B.2.).

Similarly, even if the application at issue is the earlier filed application, only a one-way determination of obviousness is needed to support a double patenting rejection in the absence of a finding: (A) of administrative delay on the part of the Office causing delay in prosecution of the earlier filed application; and (B) that applicant could not have filed the conflicting claims in a single (i.e., the earlier filed) application. See MPEP § 804, paragraph II.B.1.(b).

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

**Claims 1, 6, 11, 16** are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 6, 11, 16 of copending Application No. 10/848,758. These applications are filed on the same day thus only a one-way obviousness test is needed. A user session is deemed an obvious variation of a user terminal because

although the scopes are different the user session anticipates the user terminal but not necessarily vice versa. Although the claim scopes differ slightly, the issue is the overall degree of overlap in between the claim scopes.

This is a provisional obviousness-type double patenting rejection.

**Claims 1, 6, 11, 16** are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 6, 11, 16 of copending Application No. 10/848,470. Adding an element of a parameter object responsively coupled to said legacy data base management system which provides definition is not because adding a variable would surely be an obvious feature to add to a database management system especially one with a standardized object-based command language would appear supportive of such.

This is a provisional obviousness-type double patenting rejection.

**Claims 1, 11 and 16** are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 6 and 11 copending Application No. 10/848,899. These applications are filed on the same day thus only a one-way obviousness test is needed. A user session is deemed an obvious variation of a user terminal because although the scopes are different the user session anticipates the user terminal but not necessarily vice versa. Although the claim scopes differ slightly, the issue is the overall degree of overlap between the claim scopes.

This is a provisional obviousness-type double patenting rejection.

**Claims 1, 11 and 16** are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 6 and 11 copending Application No. 10/848,901. Adding an element of a parameter object responsively coupled to said legacy data base management system which provides definition is an obvious addition that amounts to adding a variable reference to a database management system especially one with a standardized object-based command language would appear supportive of such.

This is a provisional obviousness-type double patenting rejection.

**Claims 1, 11 and 16** are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 6, 11, 16 of copending Application No. 10/849,469. Limiting a command-language to being object based and necessarily linking a modification to a request are obvious in view of Winter, US Pre-Grant Pub. No. 2004/0226027 A1, Filed 6 May 2003, Pub Date 11 Nov 2004.

This is a provisional obviousness-type double patenting rejection.

**Claims 1, 6, 11, 16 and 21** are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 2, and 6 of US Patent No. 6,721,722. Although the conflicting claims are not identical, they are not patentably distinct from each other because the claims appear to recite narrow dependencies that cause the claim scope of the older application to overlap with the new application. The newer application is being examined so only a one-way obvious test is sufficient. A commercially available browser meets the

limitations of a terminal and the internet surely meets the limitations of a publicly accessible digital communications network.

**Claims 1 and 2** are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 6 and 10 of US Patent No. 7,013,341. Although the conflicting claims are not identical, they are not patentably distinct from each other because the application with the earlier filing date recites an additional element (e) of a notification module. This is not patentably distinct absent evidence of criticality or to the contrary is deemed obvious an variation.

#### ***Information Disclosure Statement***

In the first page and first paragraph of the specification, the listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609.04(a) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

#### ***Claim Objections***

**Claim 11** is objected to for informal invocation of "means" plus function language because it does not recite "means for" clause in steps b-d. This ground of objection is necessitated by instant claim amendment and argument. This claim is objected to under 37 CFR 1.75 for not providing antecedent basis for the "means" to the instant specification because the



informal language and argument create an ambiguity whether the claim elements a through e invoke 6th paragraph of 35 USC 112.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Shappir et al, (US 2003/0051070), hereinafter Shappir.**

As to **claim 1**, Shappir teaches an apparatus comprising: a. a terminal computer operable by a user which generates a user request in a standardized object-based command language for access to a data base (Fig 1-2, Abstract, page. 4, Col. 1, ¶ [68], lines 1-12, “DBMS”, “Java”); b. a legacy data base management system including a hardware server which cannot execute said standardized object-based command language responsively coupled to said terminal computer (P. 1-2, Col. 2, [17-18], 20, [27-28], where the non-standards command language corresponds to SQL) which honors said user request by execution of a non-standardized command language to produce a result from a dataset within said data base (including “a legacy application 10, which could be a standalone, Alpha/OpenVMS system...emulates database management system”, ¶ [66]); c. a conversion facility for conversion of said standardized object-based command language to said non-standardized command language which is executable by said legacy data base management system (“Structured Query Language (SQL) Syntax”, ¶ [65-70]), Lines 1-5 );

and d. a facility responsively coupled to said legacy data base management system which prepares said result for transfer to said terminal computer and which modifies said dataset if and only if specified in said service request (P. 4, Col. 1, [70], Fig. 2, “access via JDBC” or “Access API”).

**As to claim 2**, Shappir teaches the apparatus wherein said terminal computer is coupled to said legacy data base management system via a publicly accessible digital data communication network (Fig. 2, items 100, 201, P. 4, Col. 1, [68], Line 17).

**As to claim 3**, Shappir teaches the apparatus wherein said user request specifies said dataset (P. 2, Col. 1, [26], P. 4, Col. 1, [70]).

**As to claim 4**, Shappir teaches the apparatus wherein said publicly accessible digital data communication network further comprises the Internet (Fig. 2, Fig 4b, see item 590, “internet”).

**As to claim 5**, Shappir teaches the apparatus wherein said standardized object-based command language further comprises a commonly available command language (Fig. 2, item 210, “Java Application”).

**As to claim 6**, Shappir teaches a method of utilizing a terminal using a standardized object-based command language to access a legacy data base management system having a data base employing a non-standardized command language and which cannot execute said standardized object-based command language (Fig. 1-2, Abstract, page. 4, Col. 1, [68], lines 1-12, “DBMS”, “Java”) comprising: a. transmitting a service request in said standardized object-based command language from said terminal requesting access to said data base of said legacy data base management system (Fig. 1-2, Abstract, [67-68]); b. receiving said service request by

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said legacy data base management system (P. 2, Col. 1, [21]); c. converting said service request from said standardized object-based command language into said non-standardized command language by said legacy data base management system (P. 3, Col. 2, [66], Lines 7-12, P. 4, col. 1, [66], Lines 1-5); d. honoring said service request by executing said non-standardized command language to access a dataset from said data base by said legacy digital data base management system (P. 2, Col. 2, [37-38]); and e. modifying said dataset if indicated by said service request (P. 2, Col. 2, [37-38]).

**As to claim 7**, Shappir teaches a method wherein said dataset is specified by said service request (P. 2, Col. 1, [26], P. 4, col. 1, [70]).

**As to claim 8**, Shappir teaches a method wherein said transmitting step occurs over a publicly accessible digital data communication network (Fig. 2, items 100, 201, P. 4, Col. 1, [68], Line 17).

**As to claim 9**, Shappir teaches a method wherein said publicly accessible digital data communication network further comprises the Internet (Fig. 2, Fig 4b, see item 590, "internet")

**As to claim 10**, Shappir teaches a method wherein said standardized object-based command language further comprises-a commonly used command language (Fig. 2, item 210, "Java Application").

**As to claim 11**, Shappir teaches an apparatus for providing access to a hardware server hosting a legacy data base management systems from a computer terminal using a standardized object-based programming language to efficiently provide a resultant report (Fig. 1-2) comprising: a. permitting means for permitting a user to transfer a service request defined by a

standardized object-based command programming language (P. 4, Col. 1, [66], Lines 3-5, [70], Lines 3-5); b. offering means located within said hardware server responsively coupled to said permitting means via said publicly accessible digital data communication network for offering legacy data base management services involving access to at least one dataset having a non-standard scripted command language and which cannot directly execute said standardized object-based programming language (P. 4, Col. 1, [78], Lines 1-7, Fig. 2, item 100, P. 4, Col. 1, [68], Lines 17); c. converting means responsively located within said offering means for converting said service request from said standardized object-base command programming language to said non-standardized scripted command language (P. 3, Col. 2, [66], Lines 7-12, P. 4, Co. 1, [66], Lines 1-5 ); d. modifying means responsively coupled to said offering means for modifying said dataset if so indicated by said service request; (P. 4, Col. 1, [70]) and e. providing means for providing said resultant report to said user (P. 3, Col. 2, [66], Lines 7-12, P. 4, Col. 1, [66], Lines 1-5, claim 15).

**As to claim 12**, Shappir teaches an apparatus wherein said dataset is specified by said service request (P. 2, Col. 1, [23], P. 3, Col. 2, [65], Fig. 1).

**As to claim 13**, Shappir teaches an apparatus further comprising means located within said permitting means for generating a second service request (P. 4, Col. 2, [72], Lines 1-4, Fig. 4b).

**As to claim 14**, Shappir teaches an apparatus wherein said offering means further comprises a commercially available data base management system (including IBM DB2, Oracle9i SQL server, P. 3, Col. 2, [60], Lines 7-8).

**As to claim 15**, Shappir teaches an apparatus wherein said permitting means further comprises an industry standard personal computer (including X-Windows, MS DOS operating systems", P. 2, [45], P. 4, col. 2, [72], Lines 4-6, Fig. 4b).

**As to claim 16**, Shappir teaches a data processing system (Fig. 1-2) comprising: a. a terminal computer which generates a service request in a standardized object-based command language (Fig. 1-2, Fig. 4b, item 575); b. a hardware server hosting a legacy data base management system which accesses a dataset to honor said service request by executing a non-standardized command language responsively coupled to said terminal and which cannot execute said standardized object-based command language (Fig. 1-2, P. 2, Col. 1, ¶ [20, 23]); c. a conversion facility located within said legacy data base management system which converts said service request from said standardized object-based command language to said non-standardized command language (Fig. 1-2, P. 4, Col. 1, [70], P. 3, Col. 2, [66], Lines 7-12, P. 4, Col. 1, [66], Lines 1-5)); and d. a facility which modifies said dataset only if indicated by said service request (P. 4, Col. 1, [70]).

**As to claim 17**, Shappir teaches the data processing system wherein said dataset is specified by said service request (P. 2, Col. 1, [26], P. 4, col. 1, [70]).

**As to claim 18**, Shappir teaches the data processing system wherein said terminal computer is responsively coupled to said legacy data base management system via a publicly accessible digital data communication network (Fig. 2, items 100, 201, P. 4, Col. 1, [68], Line 17).

**As to claim 19**, Shappir teaches the data processing system wherein said publicly accessible digital data communication network further comprises the Internet (Fig. 2, Fig 4b, see item 590, "internet").

**As to claim 20**, Shappir teaches the data processing system wherein said standardized object-based command language further comprises a commonly utilized command language (Fig. 2, item 210, "Java Application").

**As to claim 21**, Shappir teaches an apparatus for accessing a database (Fig. 1-2) comprising: a. a computer terminal which generates a user request in a standardized object-based command language which specifies access to a dataset within a data base (Fig. 1-2, Abstract, Fig. 4b, item 575, P. 2, Col. 1, [20]); b. a hardware server containing a legacy data base management system which cannot execute said standardized object-based command language responsively coupled to said terminal computer via a publicly accessible digital data communication network which honors said user request by execution of a non-standardized command language to produce a result from said dataset (§ [17-20, 26-28], Fig. 2, item 100, P. 2, Col. 1, [23], see SQL syntax ); c. a conversion facility located within said legacy data base management system for conversion of said standardized object-based command language to said non-standardized command language which is executable by said legacy data base management system (Fig. 1-2, P. 4, Col. 1, [70], P. 3, Col. 2, [66], Lines 7-12, P. 4, Col. 1, [66], Lines 1-5; and d. a facility responsively coupled to said legacy data base management system which prepares said result for transfer to said terminal computer and which modifies said dataset if and only if specified in said service request (P. 4, Col. 1, [70], Fig. 2, item 210).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rangnekar, US Pre-Grant Pub. No. 2005/0192851 A1, filed 26 Feb. 2004, Pub. Date 1 Sep. 2005, hereinafter Rangnekar in view of Connor, (US 5,806,067), hereinafter Connor.**

**As to claim 1**, Rangnekar teaches an apparatus comprising: a. a terminal computer operable by a user which generates a user request in a standardized object-based command language for access to a data base; (including “ATM.,End User”, Fig. 5B, Fig. 2, paragraph ¶ [0123]; where an automatic teller machine is used as a terminal) b. a legacy data base management system responsively coupled to said terminal which honors said user request by execution of a non-standardized command language to produce a result from a dataset within said data base; (including “centralized reservation system”, ¶ [007], ¶ [142]) c. a conversion facility for conversion of said standardized object-based command language to said non-standardized command language (including “HTML”, ¶ [118-119]; Figs. 18-19); and d. a facility responsively coupled to said legacy data base management system which prepares said result for transfer to said terminal computer and which modifies said dataset if and only if specified in said

service request. (including “XML document is updated at a financial services system server only if there is a change in the city data”, ¶ [118-119], [125-126], [138]).

However Rangnekar does not expressly teach “including a hardware server which cannot execute said standardized object-based command language responsive coupled to said terminal computer”, standardized command language which is executable by said legacy database management system.

Connor teaches “including a hardware server which cannot execute said standardized object-based command language responsive coupled to said terminal computer” (including “IBM mainframe ES9000, 0009x, IBM AS-400 DEC-VAX, Hewlett Packard and other UNIX-based systems. Referring to FIG. 1, a processor 105 processes data according to a preexisting software application”, Col. 4, Lines 5-15).

Rangnekar and Connor are analogous art pertinent to the problem to be solved. A skilled artisan would have been motivated to combine Rangnekar and Connor because it provides for a process for organizing and managing the transition, a multi-tiered client/server architecture that adheres to open systems standards” as discussed in Connor, Abstract.

Therefore at the time of invention, it would have been obvious to a person having ordinary skill in the art to combine Rangnekar and Connor because it provides for a process for organizing and managing the transition, a multi-tiered client/server architecture that adheres to open systems standards” as suggested in Connor, Abstract.

**As to claim 2**, Rangnekar teaches the apparatus wherein said terminal computer is coupled to said legacy data base management system via a publicly accessible digital data



communication network (including “internet based websites such as Expedia...Priceline”, ¶ [11], [7]).

**As to claim 3**, Rangnekar teaches the apparatus wherein said user request specifies said dataset. ([8-9])

**As to claim 4**, Rangnekar teaches the apparatus wherein said publicly accessible digital data communication network further comprises the Internet. (¶ [11])

**As to claim 5**, Rangnekar teaches the apparatus of wherein said standardized object-based command language further comprises a commonly available command language. (¶ [107])

**As to claim 6**, Rangnekar teaches a method of utilizing a terminal using a standardized object-based command language (including “Java”, ¶ [92], or Javascript or ¶ [107]) to access a legacy data base management system having a data base employing a non-standardized command language comprising: a. transmitting a service request in a standardized object based command language from said terminal requesting access to said data base of said legacy data base management system (including “prints your itinerary”, Fig. 24; [40], [86]); b. receiving-said service request by said legacy data base management system; (including “GDS”, “Apollo Galileo”, “Amadeus”, [92]) c. converting said service request in said standardized object-based command language into said non-standardized command language by said legacy data base management system; (including “converted to a query that is understandable by CRS 30”, [142], where CRS is a legacy system such as shown above) d. honoring said service request by executing said non-standardized command language to access a dataset from said data base by said legacy digital data base management system; and e. modifying said dataset if indicated by

said service request. (including “charge the transaction....routed to the built-in printer at ATM12 for printing...”, [150]).

However, Rangnekar does not expressly teach and which cannot execute said standardized object-based command language.

Connor as applied above teaches and which cannot execute said standardized object-based command language (including “IBM mainframe ES9000, 0009x, IBM AS-400 DEC-VAX, Hewlett Packard and other UNIX-based systems. Referring to FIG. 1, a processor 105 processes data according to a preexisting software application”, Col. 4, Lines 5-15).

**As to claim 7**, Rangnekar teaches a method wherein said dataset is specified by said service request (Fig. 25, see top reverse highlight).

**As to claim 8**, Rangnekar teaches a method wherein said transmitting step occurs over a publicly accessible digital data communication network (including “internet”, box 4 from top left corner, Fig. 2).

**As to claim 9**, Rangnekar teaches a method according wherein said publicly accessible digital data communication network further comprises the Internet (including “Internet Explorer”, [118]).

**As to claim 10**, Rangnekar teaches a method according to claim 9 wherein said standardized object-based command language further comprises-a commonly used command language (including “Java” or “Javascript”, ¶ [92,107]).

**As to claim 11**, Rangnekar teaches an apparatus for providing access to a hardware server (Fig. 5B, “special Web server”) hosting a such legacy data base management systems from a computer terminal (Fig. 5B, item “ATM”) using a standardized object-based

programming language (including “Java”, ¶ [92], or Javascript or ¶ [107]) to efficiently provide a resultant report (including “transaction report/receipt as generated by ATM 12”, ¶ [121]) comprising: a. permitting means for permitting a user to transfer a service request defined by a standardized object-based command language (¶ [92,107]); b. offering means located within said hardware server (Fig. 2, “HOST SYSTEM”) responsively coupled to said permitting means (Fig. 3, “ATM machine”) via said publicly accessible digital data communication network (including “phone/fax/email”, Fig. 5A) for offering legacy data base management services (Fig. 5A, “host backend support office...travel desk”) involving access to at least one dataset having a nonstandard scripted command language; (including “Sabre, Amadeus, Worldspan and the like”, ¶ [171], “CRS systems proprietary command driven format”, ¶[9]) c. converting means responsively coupled to said offering means for converting said service request (including “telecommunications network”, ¶ [28]) from said standardized object-base command language to said non-standardized scripted command language (“proprietary command driven format”, ¶[9] or “CRS systems proprietary format”, [10]); d. modifying means responsively coupled to said offering means for modifying said dataset if so indicated by said service request; (“in case of a failure due to **insufficient balance** or a problem with printing the receipt”, ¶ [113]) and e. providing means for providing said resultant report to said user. (Fig. 30, “The Printed Receipt”, or P. 15, Table 2, “Airline booking ATM flow...user...receipt”, wherein the user is the passenger and/or travel agent).

However, Rangnekar does not expressly teach and which cannot directly execute said standardized object-based programming language.

Connor as applied above teaches and which cannot directly execute said standardized object-based programming language (including “IBM mainframe ES9000, 0009x, IBM AS-400 DEC-VAX, Hewlett Packard and other UNIX-based systems. Referring to FIG. 1, a processor 105 processes data according to a preexisting software application”, Col. 4, Lines 5-15).

**As to claim 12**, Rangnekar teaches an apparatus wherein said dataset is specified by said service request (Fig. 22).

**As to claim 13**, Rangnekar teaches an apparatus further comprising means located within said permitting means for generating a second service request (Figs. 22-23).

**As to claim 14**, Rangnekar teaches an apparatus wherein said offering means further comprises a commercially available data base management system (§ [207]).

**As to claim 15**, Rangnekar teaches an apparatus wherein said permitting means further comprises an industry standard personal computer (§ [170], “Windows (r)...Microsoft’s industry-standard Object Linking and Embedding”).

**As to claim 16**, Rangnekar teaches a data processing system *comprising* a terminal computer (“The ATM Machine”, Fig. 21) which generates a service request (Fig. 5A, “request...phone...fax...email”) in a standardized object-based command language (including “XML-RPC”, Fig. 35); a hardware server hosting a legacy data base management system which accesses a dataset to honor said service request by executing a non-standardized command language responsively coupled to said terminal (including “DIEBOLD FDK logic”, § [61-68], Fig. 13b), c. a conversion facility *located within* said legacy data base management system which converts said service request from said standardized object-based command language (including “Perl using COM”, [207]) to said non-standardized command language; and

(including “CRS”, [207]) d. a facility which modifies said dataset only if indicated by said service request. (including “Cancelled means that this transaction was cancelled upon the customer’s request”, [220]).

However, Rangnekar does not expressly teach “and which cannot execute said standardized object-based command language”.

Connor as applied above teaches “and which cannot execute said standardized object-based command language” (including “IBM mainframe ES9000, 0009x, IBM AS-400 DEC-VAX, Hewlett Packard and other UNIX-based systems. Referring to FIG. 1, a processor 105 processes data according to a preexisting software application”, Col. 4, Lines 5-15).

**As to claim 17**, Rangnekar teaches the data processing system wherein said dataset is specified by said service request (“customer will select DD-MM-YYYY....by entering the numeric code from numeric keypad”, Table 5).

**As to claim 18**, Rangnekar teaches the data processing system wherein said terminal is responsively coupled to said legacy data base management system via a publicly accessible digital data communication network (including “internet”, see left most box “End User->Internet” in the two o’clock position away from the left most box, Fig. 2).

**As to claim 19**, Rangnekar teaches the data processing system wherein said publicly accessible digital data communication network further comprises the Internet (see left most box “End User->Internet” in the two o’clock position away from the left most box, Fig. 2).

**As to claim 20**, Rangnekar teaches the data processing system wherein said standardized object based command language further comprises a commonly utilized command language (including “Perl using COM architecture”, ¶ [207]).

**Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rangnekar in view of Connor in view of Braddy, (US 6,141,759), hereinafter Braddy.**

As to claim 21, Rangnekar teaches an apparatus for accessing a database comprising: a. a computer terminal which generates a user request in a standardized object-based command language which specifies access to a dataset within a data base; (including “.pl”, see top Window bar of Figs. 16-17, the “.pl”. extension suffix whose dictionary definition is read in light of paragraph [207, 210] reciting “Perl” and a definition observed in Wikipedia.org) b. a legacy data base management system responsively coupled to said terminal via a publicly accessible digital data communication network (including “End User->internet”, Fig. 12) which honors said user request by execution of a non-standardized command language to produce a result from said dataset; (including “request via Phone”, “Agents 2-5...travel desk”, Fig. 5B) c. a conversion facility for conversion of said standardized object-based command language (including “.pl” in Fig. 29, where “.pl” extension is defined as invoking the language of PERL whose dictionary definition is read in light of Wikipedia.org or beginner PERL tutorial at PERL.com) to said non-standardized command language (including “CRS”, Fig. 35, the centralized reservation system includes legacy systems which are interpreted as meeting the negative limitation); and d. a facility responsively coupled to said legacy data base management system which prepares said result for transfer to said terminal and which modifies said dataset if and only if specified in said service request ([142], [145], [155], [161]).

However, Rangnekar does not expressly teach “and which cannot execute said standardized object-based command language”.

Connor as applied above teaches “and which cannot execute said standardized object-based command language” (including “IBM mainframe ES9000, 0009x, IBM AS-400 DEC-VAX, Hewlett Packard and other UNIX-based systems. Referring to FIG. 1, a processor 105 processes data according to a preexisting software application”, Col. 4, Lines 5-15).

However, Rangnekar and Connor do not expressly associate the “.pl” file extension with PERL.

Braddy teaches the that the “.pl” file extension is associated with PERL (Fig. 5b, 2<sup>nd</sup> to the last line or Fig. 6b, item 86, “.pl” associates with “perl.exe” or Col. 10, Lines 34-35, “.pl for Perl program files”).

Rangnekar in view of Connor and Braddy are analogous art pertinent to the problem to be solved. A skilled artisan would have been motivated to combine Rangnekar in view of Connor and Braddy because it provides for file type extension mappings are used to map file extension to execution path as suggested in Braddy, Fig 6a, item 86.

Therefore at the time of invention, it would have been obvious to a person having ordinary skill in the art to combine Rangnekar in view of Connor and Braddy because it provides for file type extension mappings are used to map file extension to execution path as suggested in Braddy, Fig 6a, item 86.

***Response to Arguments***

Double Patenting

On page 25, paragraph 2, Applicant argues that the matter is not ripe by definition. This argument to deal with the matter by terminal disclaimer or other appropriate means is **non-responsive** to the rejection of record.

Specification

Objections to the blanks in the specification are withdrawn.

Objections regarding the lack of a formal information disclosure statement are maintained because the response does not comply with the instant request that the listed documents are to be submitted on a formal IDS. The request is made more explicit via a 37 CFR 1.105 request.

Rejection under 35 U.S.C. §101

Rejections under 35 USC 101 are withdrawn.

Rejection under 35 U.S.C. §102

Rejections under 35 USC 102 are moot in view of new grounds of rejection under 35 USC 102 in view of Shappir and 35 USC 103 under Rangnekar and Connor and Braddy as necessitated by the instant claim amendment.

Note that during the inventor search the Examiner has reviewed a significant sample of arguments submitted to the Office involving commonly owned and/or a first inventor in common



and/or common law firm and/or common attorney. Applicant is invited to improve upon the pertinence of the applied references as previously discussed under the request for additional information.

On page 13, last paragraph through page 14, paragraph 1, Applicant argues that he Examiner cannot find the claimed terminal computer. However, a "terminal computer" can be interpreted to include an automatic teller machine in accordance with MPEP 2111.01.

Rejection under U.S.C. §103

On page 14, paragraph 4, Applicant argues that the ATM is not the claimed terminal in that it cannot generate "a user request in a standardized object-based command language for access to a database" as claimed. However, Rangnekar teaches the end user at the ATM generating requests through the ATM, the web, and over the telephone in Figure 5A. Therefore claim 1 is still rejected using the reference of Rangnekar. This argument that the "terminal computer" is patentably distinct would appear contrary to statements found in the instant specification, page 15, paragraph 2 which states "Internet terminal 12 is an industry compatible, personalized computer having a current version of the windows operating system and suitable web browser, all being readily available commercial products". Therefore this appears to be admitted prior art.

On page 14, paragraph 5 through page 15, paragraph 1, Applicant argues that "legacy database management system...to be responsively coupled to said computer terminal". However, Rangnekar teaches that a user can purchase plane tickets from an ATM machine or web which are then translated into a request into CRS, Sabre or other legacy system. Applicant is reminded

that a proper challenge of the prior art also addresses whether the alleged deficiency amounts rises to a question of patentability. Furthermore, merely alleging that one element of Applicant Admitted Prior Art has been somehow ignored is does not address the question of novelty or nonobviousness. However, Rangnekar meets the limitation of honoring because a completion of a travel purchase transaction or reservation would necessarily mean that he request for travel had been honored. Therefore claim 1 stands rejected.

On page 15, paragraph 2, Applicant argues that Rangnekar does not teach “conversion of the command language of the service request”. However, Rangnekar shows web pages from the web server being displayed on the ATM in Fig. 5A and following an Airline hyperlink in Fig. 7. The airline reservation hyperlink is a command necessarily converted to a service request in the form of a reservation being made in Fig.7 and Fig. 12 shows that ATM button C will retrieve or cancel the reservation. Therefore the claim 1 stands rejected.

On page 16, paragraph 1, Applicant argues that the five full paragraphs of Rangnekar have nothing to with the claimed invention. However, the applied reference of Rangnekar is in a comparable field of invention and this argument simply does not specifically address Applicant’s point of novelty as required under 37 CFR 1.111(b-c). Therefore claim 1 stands rejected.

On page 16, paragraph 6, Applicant appears argues that Rangnekar does not teach a publicly accessible network. However, paragraph [34] recites “provide customers to do bookings through ATM’s” and paragraph 36] positively recites “the existing network of installed ATMs”. Oxford English Dictionary reconciles the discrepancy of a “private network” versus a “publicly accessible network” with being owned by a private entity rather than depriving the public of access. An ATM network being used as a marketing venue to offer airline tickets is

necessarily offered to the public and therefore is considered publicly accessible. Therefore the rejection of claim 2 stands.

On page 17, paragraph 1, Applicant argues that the law requires disclosure of the "identical invention". However, MPEP 2131 states "this is not an *ipsissimis verbis* test, i.e., identity of terminology is not required" as per *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990). Applicant can look to 37 CFR 1.111(b-c) for guidance on specifically pointing out novelty. Therefore claim 1 stands rejected.

On page 18, paragraph 1, Applicant argues that the portions of the prior art cited are unrelated. However, the elements of Rangnekar are connected via network shown in Fig. 1-5A to form a larger system and therefore the portions are related. Therefore the rejection of claim 5 stands.

On page 18, paragraph 2, Applicant argues that Rangnekar has none of the five steps of claim 6. However, this is considered to be a mere argument that is not persuasive because it is not supported by sufficient evidence. Applicant argues that Rangnekar does not teach the first step without specifically addressing the first step. However, Rangnekar teaches in Fig. 1-5A, the user being able to reserve a plane ticket using an ATM network and obtain a printed receipt serves as confirmation that an agreement was reached between the airline and the user. Therefore claim 6 stands rejected.

On page 18, paragraph 3 through page 19, paragraph 1, Applicant appears to argue that the prior art does not have a "computer terminal" and "legacy database management system". However, Rangnekar shows in Fig. 21-24, paragraphs [40, 86], the ATM performing the function of a computer terminal and airline using a legacy database management system. Regarding

Applicant incorrectly characterizing the position of the Office Action by saying "admits that Rangnekar has no legacy data base management system which receives the claimed service request", no such admission is provided by the previous Office Action. The position of the previous Office Action as shown in Fig. 21-24 is that the user by selecting a particular offer of plane tickets is making a request and the airline uses a legacy database management system referenced as GDS, Amadecus, etc. Therefore claim 6 stands rejected.

On page 19, paragraph 2, Applicant argues that paragraph [150] has nothing to do with the fifth limitation of claim 6. However, using a credit modifies the transaction because the credit number is transmitted and printed as mentioned in paragraph [150]. Therefore the rejection of claim 6 stands.

On page 19, paragraph 3, Applicant argues that the prior art does not teach "wherein said dataset is specified by said service request". However, Fig. 25 in small print shows the option of a flight from Bangalore to Delhi being specified as part of booking number 450000009538. Therefore the rejection of claim 7 stands.

On page 19, paragraph 4 through page 20, paragraph 1, Applicant argues that the private network of Rangnekar is somehow not publicly accessible. However, the terms "publicly" and "private" have a consistent usage within Oxford English Dictionary. This alleged inconsistency about the exclusivity of the ATM network is explained in that the ATM is considered to be publicly accessible by users and privately owned. Therefore claims 8-9 stand rejected.

On page 20, paragraph 2, Applicant argues that the rejection of claim 10 is not supported by the prior art. However, Applicant does not address whether this limitation is patentable

because the identical limitation is cited and treated under claim 20. Therefore dependent claim 10 is rejected.

On page 20, paragraph 3, Applicant argues that the Office Action does not acknowledge these means-plus function limitations in instantly amended claim 11. However, Applicant uses formal language of “means for” in the first element but the middle elements b-d recite informal recitations of “means” without “for” because means per se is interpreted as not invoking 35 USC 112, 6<sup>th</sup> paragraph. Appropriate clarification is requested. Applicant can address what is missing under 37 CFR 1.111(a-c). A new ground of objection is necessitated by instant claim amendment. Therefore instantly amended claim 11 stands rejected and objected.

Regarding Applicant's concerns that instantly amended claims 10-11 have not been examined, citations are provided.

Regarding Applicant's concerns of typos in the rejection of claim 15 have been further clarified.

On page 22, Applicant argues that Rangnekar does not have these two elements without formal antecedent bases as which two elements. Therefore claim 16 stands rejected.

On page 22, paragraphs 4-6, Applicant argues that “canceled” does not meet modifies. However, a cancellation necessarily changes the existing itinerary which necessarily is a significant modification of the itinerary. Therefore the rejection of claim 16 stands.

On page 23, paragraphs 1-3, Applicant argues that the “internet” is not coupled to the ATM. However, this is incorrect because Fig. 1-5A show the user with the ATM, internet, phone, and fax therefore it is coupled via the user. The instant claim does not require a direct connection. Therefore claim 18 stands rejected.

On page 23, paragraph 4, Applicant argues that Rangnekar cannot meet the limitations of claim 19. However, Rangnekar is in the same field of invention because it discusses an ATM network which meets publicly accessible as its services are necessarily offered to consumers in the public. Therefore claim 19 stands rejected.

On page 24, paragraph 2, Applicant appears to argue that ".pl" does not necessarily correspond with a "PERL" file extension. Regarding Applicant's question that why the terminal generates a user request, the web browser acts as a terminal invoking what is commonly known within the art as a common gateway interface or PERL program. The mapping of the file extension .PL is directly mapped in accordance with a clarifying prior art reference of Connor.

On page 24, paragraphs 2-4, Applicant appears to argue that a travel agent desk transcribing telephone or fax requests into travel reservations toward an airline legacy system such as Sabre is not a conversion facility as asserted by the previous Office Action. However, a travel agent in Fig. 5A, lower right hand corner converts a natural language request from the user to proprietary system request directed toward an airline to obtain plane tickets. Therefore instantly amended claim 21 stands rejected.

For at least the reasons above, all pending claims stand rejected.

### ***Conclusion***

Applicant's amendment necessitated the amended citations and/or new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

If applicant still believes there is patentable subject matter within the disclosure and has reasons why those differences define over the prior art, then applicant can look to MPEP § 324 IV (September 2007) and 37 CFR 1.114 for additional suggestions that may be helpful for overcoming the finality of this Office Action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph D. Wong whose telephone number is (571) 270-1015. The examiner can normally be reached on Monday through Friday, 10 AM - 6 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tim T. Vo can be reached on (571) 272-3642. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://www.uspto.gov/ebc/index.html>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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